



PUBLIC NOTICE

Federal Communications Commission
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DA 05-690

Released: March 16, 2005

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER CONTROL OF
AMERIVISION COMMUNICATIONS, INC., D/B/A LIFELINE COMMUNICATIONS,
INC., TO NONPROFIT & AFFINITY MARKETING, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-94

Comments Due: March 30, 2005

Reply Comments Due: April 6, 2005

On February 29, 2005, AmeriVision Communications, Inc. d/b/a Lifeline Communications, Inc. ("AmeriVision"), filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting authority to transfer control of AmeriVision to Nonprofit & Affinity Marketing, Inc. ("NAM").² NAM received authorization from the U.S. Bankruptcy Court for the Western District of Oklahoma on December 17, 2004 to purchase Amerivision's assets and customer base through a stock transfer.³

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(1)(ii) of the Commission's rules because the transferee, NAM, is not a telecommunications provider.⁴

AmeriVision is a company organized under the laws of the State of Oklahoma to resell the telecommunications facilities of other common carriers. AmeriVision asserts that it also obtains international telecommunications services from other common carriers that are currently

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² Applicants have also filed an application for transfer of control associated with authorization for international services as AmeriVision, Inc. holds Section 214 authority to provide international services on a resale basis. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

³ U.S. Bankruptcy Court for the Western District of Oklahoma, Case No. 03-23388-NJL.

⁴ 47 C.F.R. § 63.03(b)(1)(ii).

authorized by the Commission to provide international service. It is not a facilities-based carrier. Effective concurrent with the closing of the proposed transaction, NAM will hold 100% of the stock of AmeriVision.

NAM is a holding company organized under the laws of Delaware, and is not a telecommunications provider. The following entities own or control 10% or more of NAM: Stephen D. Halliday, a U.S. citizen (25% of Class A stock); Dalton Lott, a U.S. citizen (25% of Class A stock); T.D. Lakes Sr., a U.S. citizen (25% of Class A stock); the American Center for Law and Justice, a 501(c)(3) corporation organized under the laws of Virginia (25% of Class A stock); and LINC Credit LLC, a Colorado limited liability company (100% of Class B stock). Jay Sekulow and Pam Sekulow, both U.S. citizens, are the sole owners of the American Center for Law and Justice. LINC Credit LLC is wholly-owned by Capital Associates International, Inc., a Colorado corporation, which is in turn wholly-owned by Republic Financial Corporation, a privately-held investment company organized under the laws of Colorado. No other entity owns a 10% or greater interest in Republic Financial Corporation.

Applicants assert that the proposed transaction will serve the public interest because it will be virtually transparent to customers in terms of the services those customers receive, and will therefore not inconvenience or harm AmeriVision's customers. The proposed transaction is expected to enhance competition in the affected markets by introducing NAM's presence as a viable competitor.

GENERAL INFORMATION

The acquisition of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments on or before March 30, 2005 and reply comments on or before April 6, 2005.**⁵ Unless otherwise notified by the Commission, Applicants are permitted to transfer the stock and related control on the 31st day after the date of this notice.⁶ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or

⁵ See 47 C.F.R. § 63.03(a).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (3) Alex Johns, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C317, Washington, D.C. 20554; e-mail: alexis.johns@fcc.gov;
- (4) Terri B. Natoli, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: terri.natoli@fcc.gov;
- (5) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov;
- (6) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room

CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394, or Alex Johns at (202) 418-1167.

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